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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 L. SEVILLE PARKS,

11 Plaintiff,

12 v.

13 RICHARD FALGE, *et al.*,

14 Defendants.
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Case No. 3:04-CV-00615-KJD (RAM)

ORDER

16 Before the Court for consideration is the Report and Recommendation (#137) of Magistrate
17 Judge Robert A. McQuaid, Jr. entered May 25, 2006, recommending that Plaintiff's Motion to
18 Dismiss (#136) be granted and Plaintiff's complaint be dismissed without prejudice. The parties
19 have ten days from receipt to file objections to the Report and Recommendation. See 28 U.S.C.
20 § 636(b)(1)(C). Although, the time to file objections has not passed, the Court will grant the relief
21 Plaintiff seeks.¹ Moreover, the Court has reviewed the record in this case in accordance with 28
22 U.S.C. § 636(b)(1)(C) and Local Rule LR IB 3-2. The Court determines that the Report and
23 Recommendation of the United States Magistrate Judge entered May 25, 2006, should be adopted.
24 Plaintiff seeks to terminate this litigation as he has already refiled his claims.

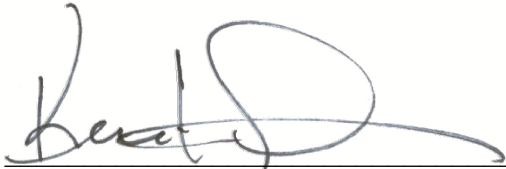
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26 ¹Defendants may object and insist that Plaintiff's complaint should be dismissed with
prejudice. The Court would overrule such an objection.

1 Accordingly, IT IS HEREBY ORDERED that the Report and Recommendation (#137) of
2 Magistrate Judge Robert A. McQuaid, Jr. entered May 25, 2006, is **APPROVED** and **ADOPTED**.

3 IT IS FURTHER ORDERED that Plaintiff's Motion to Dismiss without Prejudice (#136) is
4 **GRANTED**.

5 IT IS FURTHER ORDERED that Plaintiff's complaint is **DISMISSED WITHOUT**
6 **PREJUDICE**.

7 DATED this 1st day of June 2006.

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11 Kent J. Dawson
United States District Judge